

SENATE BILL No. 344

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19.

Synopsis: School building safety. Establishes the division of school building physical security and safety (division) within the department of education (department). Requires the division to develop and maintain nonbinding guidelines for new buildings or facilities used in the operation or administration of a school corporation. Provides that a school corporation may request the division to make physical security or safety recommendations for the renovation, repair, or alteration of an existing building or facility used in the operation or administration of the school corporation. Requires a school corporation to consider guidelines developed by the division when developing plans and specifications for the construction, renovation, or alteration of a school facility. Provides that the department may include in the department's central clearinghouse at least one model prototype design for the construction of a school facility that complies with the guidelines developed by the division.

Effective: July 1, 2014.

Hume, Miller Pete

January 14, 2014, read first time and referred to Committee on Education and Career Development.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 344

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-19-2-12, AS AMENDED BY P.L.146-2008,
2 SECTION 451, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) The state board shall, in the
4 manner provided by IC 4-22-2, adopt rules setting forth nonbinding
5 guidelines for the selection of school sites and the construction,
6 alteration, and repair of school buildings, athletic facilities, and other
7 categories of facilities related to the operation and administration of
8 school corporations. The nonbinding guidelines must include:
9 (1) preferred location and building practices for school
10 corporations, including standards for enhancing health, student
11 safety, accessibility, energy efficiency, operating efficiency, and
12 instructional efficacy;
13 (2) guidelines concerning minimum acreage, cost per square foot
14 or cost per ADM (as defined in IC 20-18-2-2), technology
15 infrastructure, building materials, per student square footage, and
16 other general space requirements, including space for academics,



1 administration and staff support, arts education and auditoriums,
 2 libraries, cafeterias, athletics and physical education,
 3 transportation facilities, and maintenance and repair facilities; and
 4 (3) additional guidelines that the state board considers necessary
 5 for efficient and cost effective construction of school facilities.

6 The building law compliance officer appointed under IC 10-19-7-4, the
 7 office of management and budget, and the department of local
 8 government finance shall, upon request of the board, provide technical
 9 assistance as necessary for the development of the guidelines.

10 (b) The state board shall annually compile, in a document capable
 11 of easy revision, the:

12 (1) guidelines described in subsection (a); and

13 (2) rules of the:

14 (A) fire prevention and building safety commission; and

15 (B) state department of health;

16 that govern site selection and the construction, alteration, and repair of
 17 school buildings.

18 (c) A school corporation shall consider the guidelines adopted under
 19 subsection (a) **and guidelines developed under IC 20-19-3-14** when
 20 developing plans and specifications for a facility described in
 21 subsection (a). Before submitting completed written plans and
 22 specifications for the selection of a school building site or the
 23 construction or alteration of a school building to the division of fire and
 24 building safety for issuance of a design release under IC 22-15-3, a
 25 school corporation shall do the following:

26 (1) Submit the proposed plans and specifications to the
 27 department. Within thirty (30) days after the department receives
 28 the plans and specifications, the department shall:

29 (A) review the plans and specifications to determine whether
 30 they comply with the guidelines adopted under subsection (a);
 31 and

32 (B) provide written recommendations concerning the plans
 33 and specifications to the school corporation, which must
 34 include findings as to any material differences between the
 35 plans and specifications and the guidelines adopted under
 36 subsection (a).

37 (2) After the earlier of:

38 (A) receipt of the recommendations provided under
 39 subdivision (1)(B); or

40 (B) the date that is thirty (30) days after the date the
 41 department received the plans and specifications under
 42 subdivision (1)(A);



1 issue a public document that describes the recommendations, if
 2 any, and any material differences between the plans and
 3 specifications prepared by the school corporation and the
 4 guidelines adopted under subsection (a), as determined under the
 5 guidelines adopted by the state board.

6 (3) After publishing a notice of the public hearing under IC 5-3-1,
 7 conduct a public hearing to receive public comment concerning
 8 the school corporation's plans and specifications.

9 After the public hearing and without conducting another public hearing
 10 under this subsection, the governing body may revise the plans and
 11 specifications or submit the plans and specifications to the division of
 12 fire and building safety without making changes. The school
 13 corporation shall revise the public document described in subdivision
 14 (2) to identify any changes in the plans and specifications after the
 15 public document's initial preparation.

16 SECTION 2. IC 20-19-3-8, AS AMENDED BY P.L.146-2008,
 17 SECTION 453, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The department may not
 19 approve or disapprove plans and specifications for the construction,
 20 alteration, or repair of school buildings, except as necessary under the
 21 following:

22 (1) The terms of a federal grant or a federal law.

23 (2) IC 20-35-4-2 concerning the authorization of a special school
 24 for children with disabilities.

25 (b) Notwithstanding subsection (a), the department shall do the
 26 following:

27 (1) Receive and review plans and specifications as required by
 28 IC 20-19-2-12.

29 (2) Establish a central clearinghouse for access by school
 30 corporations that may want to use a prototype design in the
 31 construction of school facilities. **The clearinghouse may contain**
 32 **at least one (1) prototype design that complies with the**
 33 **guidelines developed under section 14 of this chapter.** The
 34 department shall compile necessary publications and may
 35 establish a computer data base to distribute information on
 36 prototype designs to school corporations. Architects and
 37 engineers registered to practice in Indiana may submit plans and
 38 specifications for a prototype design to the clearinghouse. The
 39 plans and specifications may be accessed by any person.
 40 However, the following provisions apply to a prototype design
 41 submitted to the clearinghouse:

42 (A) The original architect of record or engineer of record



retains ownership of and liability for a prototype design.

(B) A school corporation or other person may not use a prototype design without the site-specific, written permission of the original architect of record or engineer of record.

(C) An architect's or engineer's liability under clause (A) is subject to the requirements of clause (B).

The state board may adopt rules under IC 4-22-2 to implement this subdivision.

SECTION 3. IC 20-19-3-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 14. (a) As used in this section, "division" refers to the division of school building physical security and safety established by subsection (c).**

(b) As used in this section, "physical security" refers to security measures that are designed to deny unauthorized access to a building or facility, including equipment and resources, and to protect individuals and property from damage or harm.

(c) The division of school building physical security and safety is established within the department. The state superintendent shall appoint a director to manage the division.

(d) The division shall develop and maintain nonbinding school building physical security and safety guidelines for new school buildings, athletic facilities, and other categories of facilities related to the operation and administration of school corporations.

(e) The guidelines developed under subsection (d) may include:

(1) egress or ingress physical security standards or measures;

(2) electronic or technological security system standards or measures;

(3) construction design models for a building or facility that uses environmental design strategies to deter criminal activity; and

(4) any standard or measure recommended by the division to improve the physical security or safety of the building or facility.

(f) The division may make physical security and safety recommendations to a school corporation for the renovation, repair, or alteration of an existing school building, athletic facility, or any other category of facility related to the operation and administration of the school corporation upon request from the school corporation. A school corporation must submit its request to the division on a form and in the manner prescribed by the division.

